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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/083,422   | 05/22/1998  | SCOTT CLARE          | 016325-00221        | 3984             |
| 21586  | 7590        | 05/24/2004           | EXAMINER            |                  |
| VINSON & ELKINS, L.L.P.<br>1001 FANNIN STREET<br>2300 FIRST CITY TOWER<br>HOUSTON, TX 77002-6760 |             |                      | PEDDER, DENNIS H    |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3612                |                  |

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|  |                                      |                                     |  |
|--|--------------------------------------|-------------------------------------|--|
| <b>Notification of Non-Compliance<br/>With 37 CFR 1.192(c)</b> | <b>Application No.</b><br>09/083,422 | <b>Applicant(s)</b><br>CLARE ET AL. |  |
|  | <b>Examiner</b><br>Dennis H. Pedder  | <b>Art Unit</b><br>3612             |  |

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 10 May 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☒ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☒ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See attached page.

Dennis H. Pedder  
Primary Examiner  
Art Unit: 3612

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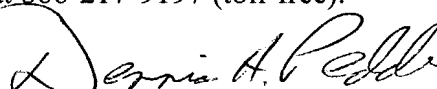
1. The Status of Claims appears to be incorrect as claim 64 was entered in the amendment of 6/10/2002, rejected in the final rejection of 7/28/2003, and no record of its cancellation is found. If applicant believes that this claim is canceled, specific date and page numbers should be provided as evidence.
2. The record of this application has been amended after final by an IDS of 3/29/2004, now entered.
3. The rejection of claims 61-62, 64-73 is missing from the listed VI. Issues on appeal.
4. The Grouping of Claims is defective for not listing all grounds of rejection that applicant contests. The grouping of claims and argument are further inconsistent in stating for the listed ground of rejection that all claims are separately patentable, yet provides no specific reason why each listed claim is separately patentable. See MPEP 1206 (7), August 2001. In this regard, for example, the arguments relating to claims 53,56,108, 59, 88, 91, 61-62, 65-73 do not present valid rationale why these claims are separately patentable. In this regard, it appears that applicant intended to relay, for all rejections, upon the argument advanced against the rejection based on Hamel in view of either Powers or Douglas, Jr.. If so, all claims should be grouped as standing or falling together.
5. The Appendix-Claims on Appeal is incorrect as claim 86 was thrice amended on 7/26/2002 and omits claim 64 in total.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (703) 308-2178. The examiner can normally be reached on 5:30-2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dennis H. Pedder  
Primary Examiner  
Art Unit 3612

5/20/04

DHP